



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
CCT 10 PMAT

2018 SEP 17 PM 3:11

September 17, 2018

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Staff Director

FROM: Patricia C. Orrock *DC* for PCO
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Ben Holly *KDR BH*
Reports Analysis Division
Compliance Branch

SUBJECT: Withdrawal and Resubmission of Reason To Believe Recommendation –
2018 July Quarterly Report for the Administrative Fine Program

We are withdrawing the document circulated to the Commission on September 12, 2018 in order to remove a committee that filed a report which would exclude them from the Administrative Fines Program for the 2018 July Quarterly Report. The report was received by the Commission after the RTB Recommendation was circulated, but before the vote due date. Also after submission of the original RTB circulation, Mad Dog PAC (AF 3461) filed the July Quarterly Report. The committee had not previously filed the report. The committee disclosed total receipts and disbursements of \$445,247 (previously estimated to be \$310,157). The attached circulation chart reflects the updated information.

Attached is a list of political committees and their treasurers who failed to file the 2018 July Quarterly Report in accordance with 52 U.S.C. § 30104(a). The July Quarterly Report was due on July 15, 2018.

The committees listed on the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties

for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

An explanation of the civil money penalty calculation for the following committee that filed the report is outlined below:

Recommendation

1. Find reason to believe that the political committees and their treasurers, in their official capacity, listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

Federal Election Commission
 Reason to Believe Circulation Report
 2018 JULY QUARTERLY Not Election Sensitive 07/15/2018 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
-----	--------------	----------------	----------------	-----------	-----------	----	--------------	-----------	-----	-------------

3455	C00381517	DEMOCRATIC ADVANCEMENT PAC		THOMAS A. CRAMER	\$194,664	0	8/1/2018	17	\$80,409	\$2,981
------	-----------	-------------------------------	--	---------------------	-----------	---	----------	----	----------	---------

3460	C00638825	JON POWELL FOR CONGRESS	JONATHAN A. POWELL	DOUG BLANCHARD	\$167,705	0		Not Filed	\$33,541 (est)	\$1,200
------	-----------	----------------------------	--------------------	-------------------	-----------	---	--	-----------	----------------	---------

3463	C00634873	NEILL FOR ILLINOIS	MOHAMMAD NEILL	ANDREW NALL	\$420,980	0		Not Filed	\$70,163 (est)	\$3,828
------	-----------	--------------------	----------------	-------------	-----------	---	--	-----------	----------------	---------

3471	C00637728	SCOTT SALMON FOR CONGRESS	SCOTT SALMON	JARED LINDENBERG	\$155,145	0	8/1/2018	27	\$3,968	\$196
------	-----------	------------------------------	--------------	---------------------	-----------	---	----------	----	---------	-------

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Withdrawal and Resubmission of Reason)
To Believe Recommendation - 2018 July)
Quarterly Report for the Administrative)
Fine Program:)

DEMOCRATIC ADVANCEMENT PAC,) AF# 3455
and THOMAS A. CRAMER as treasurer;)

JON POWELL FOR CONGRESS, and) AF# 3460
DOUG BLANCHARD as treasurer;)

**Federal Election Commission
Certification for Administrative Fines
September 21, 2018**

Page 2

NEILL FOR ILLINOIS, and NALL,
ANDREW as treasurer;

AF# 3463

SCOTT SALMON FOR CONGRESS, and) AF#3471
LINDENBERG, JARED as treasurer;)

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election Commission,
do hereby certify that on September 21, 2018 the Commission took the following
actions on the Withdrawal and Resubmission of Reason To Believe Recommendation
- 2018 July Quarterly Report for the Administrative Fine Program as recommended in
the Reports Analysis Division's Memorandum dated September 17, 2018, on the
following committees:

AF#3455 Decided by a vote of 4-0 to: (1) find reason to believe that DEMOCRATIC ADVANCEMENT PAC, and THOMAS A. CRAMER in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3460 Decided by a vote of 4-0 to: (1) find reason to believe that JON POWELL FOR CONGRESS, and DOUG BLANCHARD in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3463 Decided by a vote of 4-0 to: (1) find reason to believe that NEILL FOR ILLINOIS, and NALL, ANDREW in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#3471 Decided by a vote of 4-0 to: (1) find reason to believe that SCOTT SALMON FOR CONGRESS, and LINDENBERG, JARED in his official capacity as treasurer violated 52 U.S.C. 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision.

ANNOUNCEMENT

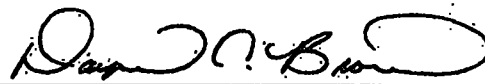
5

Federal Election Commission
Certification for Administrative Fines
September 21, 2018

Page 8

Attest:

September 24, 2018
Date


Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 24, 2018

Thomas A. Cramer, in official capacity as Treasurer
Democratic Advancement PAC
15600 NE 8th St, B1, Box 931
Bellvue, WA 98008

C00381517
AF#: 3455

Dear Mr. Cramer:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a July Quarterly Report of Receipts and Disbursements in a calendar year during which there is a regularly scheduled election. This report, covering the period April 1, 2018 through June 30, 2018, shall be filed no later than July 15, 2018. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on August 1, 2018, 17 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On September 21, 2018, the FEC found that there is reason to believe ("RTB") that Democratic Advancement PAC and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before July 15, 2018. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$2,981. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$2,981 is due within forty (40) days of the finding, or by October 31, 2018, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$80,409
Number of Days Late: 17
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 1050 First Street, NE, Washington, DC 20002. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or October 31, 2018. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Democratic Advancement PAC and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate

action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, follow the payment instructions on page 4 of this letter. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Ben Holly in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,

Carole C. Hunter

Caroline C. Hunter
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$2,981 for the 2018 July Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form.

This penalty may also be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Democratic Advancement PAC

FEC ID#: C00381517

AF#: 3455

PAYMENT DUE DATE: October 31, 2018

PAYMENT AMOUNT DUE: \$2,981

To: FEC Office of Administrative Review
1050 First Street
NE Washington, DC 20002
Phone#202-694-1660

Challenge to RTB finding and civil money penalty Due 10/31/2018
AF#3455

FEC ID# C00381517

From: Democratic Advancement PAC

I received incorrect information from an internet search from an FEC designated site that the reporting date was July 31, 2018. We had filed on July 31, but an internet glitch occurred and delayed the filing until August 1, 2018.



Thomas A Cramer, Treasurer Democratic Advancement PAC



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 21, 2018

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 3455 – Democratic Advancement PAC and Thomas A. Cramer, in his official capacity as Treasurer (C00381517)

Summary of Recommendation

Make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,981 civil money penalty.

Reason-to-Believe Background

The 2018 July Quarterly Report was due on July 15, 2018. The respondents filed the report on August 1, 2018, 17 days late. The report is not election sensitive and was filed within 30 days of the due date; therefore, the report is considered late. 11 C.F.R. §§ 111.43(d)(1) and (e)(1).

On September 21, 2018, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 July Quarterly Report and made a preliminary determination that the civil money penalty was \$2,981 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") on September 24, 2018 to notify them of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a committee not authorized by a candidate shall file, in an election year, a report for the period ending June 30 no later than July 15. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(c)(1)(i). Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time on July 15 for the July Quarterly Report to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Summary of Respondents' Challenge

On November 1, 2018, the Commission received the written response ("challenge") from the Treasurer, which states: "I received incorrect information from an internet search from an FEC designated site that the reporting date was July 31, 2018. We had filed on July 31, but an internet glitch occurred and delayed the filing until August 1, 2018."

Analysis

The respondents contend they believed they were required to file the report by July 31, 2018 based on an internet search. They attempted to file the report that day, but they were unsuccessful due to internet issues. The Commission received the 2018 July Quarterly Report on August 1, 2018, 17 days late.

The Reviewing Officer recognizes the Treasurer's internet search may have provided information on a non-election year Mid-Year Report, which is due on July 31 in non-election years. 52 U.S.C. § 30104(a) and 11 C.F.R. § 104.5(c). However, Commission records indicate the Committee was notified of the 2018 July Quarterly Report due date, July 15, 2018, on multiple occasions prior to the filing deadline. On June 19, 2018, the Commission's Information Division sent a reminder notice including the 2018 July Quarterly Report Prior Notice to "info.dapac@gmail.com," the email address listed on the Committee's Statement of Organization. On July 10, 2018, the Commission's Electronic Filing Office ("EFO") sent a reminder email regarding the 2018 July Quarterly Report to "info.dapac@gmail.com," "dapac.tomcramer@gmail.com," and "funkypurplecow@yahoo.com." On July 16, 2018, the day following the filing deadline, EFO sent a late notification email to the same email addresses because the report had not yet been filed.

Based on these notifications, the respondents should have been aware that the 2018 July Quarterly Report was due on July 15, 2018. Further, failure to know filing dates and committee computer failures are included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably unforeseen and beyond the respondents' control. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,981 civil money penalty.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3455 involving Democratic Advancement PAC and Thomas A. Cramer, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3455 that Democratic Advancement PAC and Thomas A. Cramer, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,981 civil money penalty; and
3. Send the appropriate letter.

Attachments

- Attachment 1 –
- Attachment 2 –
- Attachment 3 –
- Attachment 4 – Declaration from RAD
- Attachment 5 – Declaration from OAR

DECLARATION OF KRISTIN D. ROSER

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters:
2. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to the FECFile software or administrative fine regulations, including due dates of reports and filing requirements.
3. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Democratic Advancement PAC:
 - A) Reason-to-Believe Letter, dated September 24, 2018, referencing the 2018 July Quarterly Report (sent via overnight mail to the address of record).
4. I hereby certify that I have searched the Commission's public records and find that Democratic Advancement PAC filed the 2018 July Quarterly Report with the Commission on August 1, 2018.
5. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 7th day of November, 2018.

Kristin Roser

Kristin D. Roser
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission

DECLARATION OF RHIANNON MAGRUDER

- 1) I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
- 2) A principal campaign committee shall file a report for the quarter ending June 30 no later than July 15. Reports filed electronically must be received and validated at or before 11:59 pm, Eastern Standard/Daylight Time July 15, 2018 for the 2018 July Quarterly Report to be timely filed.
- 3) I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - a) Cover, Summary, and Detailed Summary Pages of the 2018 July Quarterly Report filed by Democratic Advancement PAC, in his official capacity as Treasurer. The report includes the coverage period of April 1, 2018 through June 30, 2018 and was electronically filed on August 1, 2018.
- 4) Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington, D.C. on the 21st day of December, 2018.

Rhiannon Magruder

Rhiannon Magruder
Reviewing Officer
Office of Administrative Review
Federal Election Commission

Image# 201808019119337442

PAGE 1 / 31

**FEC
FORM 3X****REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines.

12FE4M5

Democratic Advancement PAC

ADDRESS (number and street)

15600 NE 8th st

B1, Box 931

Check if different
than previously
reported. (ACC)

Bellevue

WA

98008

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C C00381517

3. IS THIS
REPORTNEW
(N)

OR

AMENDED
(A)4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

- ☐ April 15
Quarterly Report (Q1)
- ☒ July 15
Quarterly Report (Q2)
- ☐ October 15
Quarterly Report (Q3)
- ☐ January 31
Year-End Report (YE)
- ☐ July 31 Mid-Year
Report (Non-election
Year Only) (MY)
- ☐ Termination Report
(TER)

(b) Monthly
Report
Due On:☐ Feb 20 (M2)☐ May 20 (M5)☐ Aug 20 (M8)☐ Nov 20 (M11)
(Non-Election
Year Only)☐ Mar 20 (M3)☐ Jun 20 (M6)☐ Sep 20 (M9)☐ Dec 20 (M12)
(Non-Election
Year Only)☐ Apr 20 (M4)☐ Jul 20 (M7)☐ Oct 20 (M10)☐ Jan 31 (YE)(c) 12-Day
PRE-Election
Report for the:☐ Primary (12P)☐ General (12G)☐ - Runoff (12R)☐ Convention (12C)☐ Special (12S)

Election on

MM / DD / YYYY

in the
State of(d) 30-Day
POST-Election
Report for the:☐ General (30G)☐ Runoff (30R)☐ Special (30S)

Election on

MM / DD / YYYY

in the
State of

5. Covering Period

MM / DD / YYYY
04 / 01 / 2018

through

MM / DD / YYYY
06 / 30 / 2018

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Cramer, Thomas, A.,

Type or Print Name of Treasurer

Signature of Treasurer

Cramer, Thomas, A.,

[Electronically Filed]

Date

MM / DD / YYYY
07 / 31 / 2018

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 52 U.S.C. § 30109.

Office
Use
Only**FEC FORM 3X**
Rev. 05/2016

SUMMARY PAGE OF RECEIPTS AND DISBURSEMENTS

FEC Form 3X (Rev. 05/2016)

Page 2

Write or Type Committee Name

Democratic Advancement PAC

Report Covering the Period:

From:

M	M	D	D	Y	Y	Y	Y
0	4	0	1	2	0	1	8

To:

M	M	D	D	Y	Y	Y	Y
0	8	3	0	2	0	1	8

	COLUMN A This Period	COLUMN B Calendar Year-to-Date
6. (a) Cash on Hand January 1, 2018		8739.87
(b) Cash on Hand at Beginning of Reporting Period.....	14060.61	
(c) Total Receipts (from Line 19).....	75820.00	186355.00
(d) Subtotal (add Lines 6(b) and 6(c) for Column A and Lines 6(a) and 6(c) for Column B).....	89880.61	195094.87
7. Total Disbursements (from Line 31).....	6382.34	111596.60
8. Cash on Hand at Close of Reporting Period (subtract Line 7 from Line 6(d)).....	83498.27	83498.27
9. Debts and Obligations Owed TO the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	
10. Debts and Obligations Owed BY the Committee (Itemize all on Schedule C and/or Schedule D).....	0.00	



This committee has qualified as a multicandidate committee. (see FEC FORM 1M)

For further information contact:

Federal Election Commission
999 E Street, NW
Washington, DC 20463

Toll Free 800-424-9530
Local 202-694-1100

DETAILED SUMMARY PAGE of Receipts

FEC Form 3X (Rev. 05/2018)

Page 3

Write or Type Committee Name

Democratic Advancement PAC

Report Covering the Period:

From:

MM / DD / YYYY
04 / 01 / 2018

To:

MM / DD / YYYY
06 / 30 / 2018

I. Receipts	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
11. Contributions (other than loans) From:		
(a) Individuals/Persons Other Than Political Committees		
(i) Itemized (use Schedule A).....	73925.00	182200.00
(ii) Unitemized.....	0.00	350.00
(iii) TOTAL (add Lines 11(a)(i) and (ii)).....▶	73925.00	182550.00
(b) Political Party Committees.....	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contributions (add Lines 11(a)(iii), (b), and (c)) (Carry Totals to Line 33, page 5).....▶	73925.00	182550.00
12. Transfers From Affiliated/Other Party Committees.....	0.00	0.00
13. All Loans Received.....	1895.00	3805.00
14. Loan Repayments Received.....	0.00	0.00
15. Offsets To Operating Expenditures (Refunds, Rebates, etc.) (Carry Totals to Line 37, page 5).....	0.00	0.00
16. Refunds of Contributions Made to Federal Candidates and Other Political Committees.....	0.00	0.00
17. Other Federal Receipts (Dividends, Interest, etc.).....	0.00	0.00
18. Transfers from Non-Federal and Levin Funds		
(a) Non-Federal Account (from Schedule H3).....	0.00	0.00
(b) Levin Funds (from Schedule H5).....	0.00	0.00
(c) Total Transfers (add 18(a) and 18(b))..	0.00	0.00
19. Total Receipts (add Lines 11(d), 12, 13, 14, 15, 16, 17, and 18(c)).....▶	75820.00	186355.00
20. Total Federal Receipts (subtract Line 18(c) from Line 19).....▶	75820.00	186355.00

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 4

II. Disbursements	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
21. Operating Expenditures:		
(a) Allocated Federal/Non-Federal Activity (from Schedule H4)		
(i) Federal Share	1793.67	52343.89
(ii) Non-Federal Share.....	1793.67	52343.80
(b) Other Federal Operating Expenditures	0.00	0.00
(c) Total Operating Expenditures (add 21(a)(i), (a)(ii), and (b))	3587.34	104687.69
22. Transfers to Affiliated/Other Party Committees.....	0.00	0.00
23. Contributions to Federal Candidates/Committees and Other Political Committees.....	0.00	0.00
24. Independent Expenditures (use Schedule E)	0.00	0.00
25. Coordinated Party Expenditures (52 U.S.C. § 30116(d)) (use Schedule F).....	0.00	0.00
26. Loan Repayments Made.....	2795.00	6908.91
27. Loans Made.....	0.00	0.00
28. Refunds of Contributions To:		
(a) Individuals/Persons Other Than Political Committees	0.00	0.00
(b) Political Party Committees	0.00	0.00
(c) Other Political Committees (such as PACs).....	0.00	0.00
(d) Total Contribution Refunds (add Lines 28(a), (b), and (c)).....	0.00	0.00
29. Other Disbursements (Including Non-Federal Donations).....	0.00	0.00
30. Federal Election Activity (52 U.S.C. § 30101(20))		
(a) Allocated Federal Election Activity (from Schedule H6)		
(i) Federal Share	0.00	0.00
(ii) "Levin" Share.....	0.00	0.00
(b) Federal Election Activity Paid Entirely With Federal Funds	0.00	0.00
(c) Total Federal Election Activity (add Lines 30(a)(i), 30(a)(ii) and 30(b))	0.00	0.00
31. Total Disbursements (add Lines 21(c), 22, 23, 24, 25, 26, 27, 28(d), 29 and 30(c))..	6382.34	111596.60
32. Total Federal Disbursements (subtract Line 21(a)(ii) and Line 30(a)(ii) from Line 31).....	4588.67	59252.80

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3X (Rev. 05/2016)

Page 5

III. Net Contributions/ Operating Expenditures	COLUMN A Total This Period	COLUMN B Calendar Year-to-Date
33. Total Contributions (other than loans) (from Line 11(d), page 3)	73925.00	182550.00
34. Total Contribution Refunds (from Line 28(d))	0.00	0.00
35. Net Contributions (other than loans) (subtract Line 34 from Line 33)	73925.00	182550.00
36. Total Federal Operating Expenditures (add Line 21(a)(i) and Line 21(b))	1793.67	52343.89
37. Offsets to Operating Expenditures (from Line 15, page 3)	0.00	0.00
38. Net Operating Expenditures (subtract Line 37 from Line 36)	1793.67	52343.89



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 21, 2018

Thomas A. Cramer, in official capacity as Treasurer
Democratic Advancement PAC
15600 NE 8th St.
B1, Box 931
Bellvue, WA 98008

C00381517
AF#: 3455

Dear Mr. Cramer:

On September 21, 2018, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Democratic Advancement PAC and you, in your official capacity as Treasurer ("respondents"), violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 July Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$2,981 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing your written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination and assess a civil money penalty. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 1050 First Street, NE, Washington, DC 20463 or via facsimile (202-208-3333). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1158 if you have any questions.

Sincerely,

Rhiannon Magruder
Rhiannon Magruder
Reviewing Officer
Office of Administrative Review

To: Commission Secretary 1050 First Street NE
Washington DC 20463 FAX 202-208-3333
AF#: 3455
From: C00381517
Thomas A Cramer Treasurer

Challenge to recommendation

I believe the recommendation does not consider two mitigating circumstances causing the kate filing. An internet search indicated the date as July 31. The commission could have corrected this by a cost of around \$100 to internet correction services. In their response the reviewer admits that was possible as the year before it was July 31. I believe the commission has a responsibility to ensure that their information in the internet databases is correct. This is completed routinely by private organizations today as part of doing business. The FEC should not be exempt from customary and usual practices.

Secondly the widespread computer glitch that occurred on July 31 interfered with many organizations. Several industries suffered from loss of transmission of their data. This was a unique situation and I believe penalizing us individually because of these circumstances is unfair. When an act of God occurs with airline travel, such as internet disruptions, the airlines are not held responsible.



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
2019 APR -9 PM 12:39

SENSITIVE

April 9, 2019

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia C. Orrock *PCO*
Chief Compliance Officer

Rhiannon Magruder *RM*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 3455 – Democratic Advancement
PAC and Thomas A. Cramer, in his official capacity as Treasurer (C00381517)

On September 21, 2018, the Commission found reason to believe ("RTB") that the respondents violated 52 U.S.C. § 30104(a) for failing to timely file the 2018 July Quarterly Report. The Commission made a preliminary determination that the civil money penalty was \$2,981 based on the schedule of penalties at 11 C.F.R. § 111.43.

On November 1, 2018, the Commission received their written response ("challenge"). After reviewing the challenge, the Reviewing Officer Recommendation ("ROR") dated December 21, 2018 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,981 civil money penalty.

Within 10 days of transmittal of the recommendation, respondents may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f). On March 21, 2019, the Commission received their response. The Reviewing Officer subsequently contacted the respondents to clarify the points made and gather more information.

The respondents further explained that a third-party website incorrectly indicated the 2018 July Quarterly Report was due on July 31, 2018, and "the Commission has a responsibility to ensure that their information in the internet databases is correct." According to the Commission's Information Division, reporting deadlines are posted in multiple places on the Commission's website at the beginning of each calendar year. The Commission also uses search engine optimization to increase the likelihood that internet searches will return official FEC.gov webpages. However, the Commission does not have the resources to monitor the information published by others. As stated in the ROR, Commission records indicate the Committee was notified of the 2018 July Quarterly Report due date, July 15, 2018, on multiple occasions prior to the filing deadline. Based on these notifications, the respondents should have been aware that the 2018 July Quarterly Report was due on July 15, 2018.

The respondents also further explained that they were unable to successfully file the report during the late night hours of July 31, 2018 because of a widespread internet outage. The respondents did not provide any supporting documentation related to this outage. 11 C.F.R. §§ 111.35(e). Further, the Reviewing Officer and Commission's Electronic Filing Office ("EFO") were unable to find any public information related to a widespread internet outage in Washington state on or around July 31, 2018.¹ Therefore, one can reasonably presume the respondents' internet outage was caused by a failure of its internet service provider.

Failure to know filing dates and committee internet service provider failures are both included at 11 C.F.R. § 111.35(d) as examples of circumstances that will not be considered reasonably unforeseen and beyond the respondents' control. Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 52 U.S.C. § 30104(a) and assess a \$2,981 civil money penalty.

OAR Recommendations

1. Adopt the Reviewing Officer recommendation for AF# 3455 involving Democratic Advancement PAC and Thomas A. Cramer, in his official capacity as Treasurer, in making the final determination;
2. Make a final determination in AF# 3455 that Democratic Advancement PAC and Thomas A. Cramer, in his official capacity as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,981 civil money penalty; and
3. Send the appropriate letter.

¹ The 2018 July Quarterly Report was electronically filed at 00:51 am EDT on August 1, 2018.

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) AF 3455
Final Determination Recommendation:)
Democratic Advancement PAC and)
Thomas A. Cramer, in his official)
capacity as Treasurer (C00381517))

CERTIFICATION

I, Dayna C. Brown, Secretary and Clerk of the Federal Election
Commission, do hereby certify that on April 18, 2019, the Commission decided
by a vote of 4-0 to take the following actions in AF 3455:

1. Adopt the Reviewing Officer recommendation for AF# 3455
involving Democratic Advancement PAC and Thomas A. Cramer,
in his official capacity as Treasurer, in making the final
determination.
2. Make a final determination in AF# 3455 that Democratic
Advancement PAC and Thomas A. Cramer, in his official capacity
as Treasurer, violated 52 U.S.C. § 30104(a) and assess a \$2,981 civil
money penalty.
3. Send the appropriate letter.

Commissioners Hunter, Petersen, Walther, and Weintraub voted
affirmatively for the decision.

Attest:

April 18, 2019
Date

Dayna C. Brown
Dayna C. Brown
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 24, 2019

Thomas A. Cramer, in official capacity as Treasurer
Democratic Advancement PAC
15600 NE 8th St.
B1, Box 931
Bellvue, WA 98008

C00381517
AF#: 3455

Dear Mr. Cramer:

On September 21, 2018, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Democratic Advancement PAC and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a) for failing to file the 2018 July Quarterly Report. By letter dated [RTB LETTER DATE], the Commission sent notification of the RTB finding that included a civil money penalty calculated at RTB of \$2,981 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On November 1, 2018, the Office of Administrative Review received your written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Democratic Advancement PAC and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assess a civil money penalty in the amount of \$2,981 in accordance with 11 C.F.R. § 111.43. The Reviewing Officer Recommendation was sent to you on December 21, 2018. The Commission received your response to the ROR on March 21, 2019.

On April 18, 2019, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Democratic Advancement PAC and you, in your official capacity as Treasurer, violated 52 U.S.C. § 30104(a), and assessed a civil money penalty in the amount of \$2,981. A copy of the Final Determination Recommendation is attached.

At this juncture, the following courses of action are available to you:

- 1. If You Choose to Appeal the Final Determination and/or Civil Money Penalty**
If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the U.S. District Court for the district in which the committee

or you reside, or transact business, requesting that the final determination be modified or set aside. See 52 U.S.C. § 30109(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 52 U.S.C. § 30109. 11 CFR § 111.38.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 *et seq.* If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact you to request payment. Treasury currently charges a fee of 30% of the civil money penalty amount for its collection services. If the age of the debt is greater than or equal to two years old, Treasury will charge a fee of 32% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

Actions which may be taken to enforce recovery of a delinquent debt by Treasury may also include: (1) offset of any payments, which the debtor is due, including tax refunds and salary; (2) referral of the debt to agency counsel for litigation; (3) reporting of the debt to a credit bureau; (4) administrative wage garnishment; and (5) reporting of the debt, if discharged, to the IRS as potential taxable income. In addition, under the provisions of DCIA and other statutes applicable to the FEC, the debtor may be subject to the assessment of other statutory interest, penalties, and administrative costs.

In accordance with the DCIA, at your request, the agency will offer you the opportunity to inspect and copy records relating to the debt, the opportunity for a review of the debt, and the opportunity to enter into a written repayment agreement.

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, follow the payment instructions on page 4 of this letter. You should make payment within thirty (30) days of receipt of this letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assessed upon making a final determination.

5. Settlement Offers

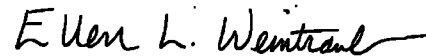
Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the civil money penalty assessed or any restrictive endorsements contained on

your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assessed upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 C.F.R. §§ 111.42(b) and 111.20(c), the file will be placed on the public record within 30 days from the date of this notification.

If you have any questions regarding the payment of the civil money penalty, please contact Rhiannon Magruder on our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ellen L. Weintraub
Chair

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$2,981 for the 2018 July Quarterly Report.

You may remit payment by ACH withdrawal from your bank account, or by debit or credit card through Pay.gov, the federal government's secure portal for online collections. Visit www.fec.gov/af/pay.shtml to be directed to Pay.gov's Administrative Fine Program Payment form. This penalty may also be paid by check or money order made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please send to:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Democratic Advancement PAC

FEC ID#: C00381517

AF#: 3455

PAYMENT AMOUNT DUE: \$2,981

